

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAVID LEE A. WILLIAMS,

Plaintiff,

v.

Case No. 06-C-597

**DR. MICHAEL GREBNER, MEDICAL FEDERATION,
CHARLES FRIZGERALD, CHRISTINE BECKER,
MELISSA VAN HOFF, and ERIKA COATES,**

Defendants,

ORDER

The plaintiff, David Lee A. Williams, commenced this action on May 17, 2006. He was granted leave to proceed in forma pauperis on December 18, 2006.¹

On March 14, 2008, I issued an order granting defendants' motion for summary judgment, among other things. Judgment was entered dismissing the action the same day. Plaintiff filed a notice of appeal and he seeks leave to proceed in forma pauperis on appeal.

Under Fed. R. App. P. 24(a), a party who has been granted leave to proceed in forma pauperis in the district court may proceed in forma pauperis on appeal without further authorization unless the district court certifies that the appeal is not taken in good faith or determines that the party is otherwise not entitled to proceed in forma pauperis. See 28 U.S.C. § 1915(a)(3). An appeal taken in "good faith" is one that seeks review of any issue that is not frivolous, meaning that it involves "legal points arguable on their merits." Howard

¹ On September 5, 2006, I dismissed this case for failure to prosecute because plaintiff did not pay the initial partial filing fee. However, upon plaintiff's motion, I subsequently reopened the case and waived the initial partial filing fee. See 28 U.S.C. § 1915(b)(4).

v. King, 707 F.2d 215, 219-20 (5th Cir. 1983) (quoting Anders v. California, 386 U.S. 738 (1967)); see also Coppedge v. United States, 369 U.S. 438, 445 (1962). The existence of any nonfrivolous issue on appeal is sufficient to require the court to grant the petition. Howard, 707 F.2d at 200.

In considering plaintiff's request to proceed in forma pauperis before the district court, it was determined that plaintiff met the indigence requirement of 28 U.S.C. § 1915(a)(1) and that his claims were neither malicious nor frivolous. This court does not find any indication that plaintiff's appeal is not taken in good faith. Plaintiff, although no longer incarcerated, is still indigent and unable to pay the full filing fee in advance. Thus, I will grant plaintiff's request to proceed in forma pauperis on appeal.

Additional Matter

On April 25, 2008, plaintiff filed a "motion to designate entries." Although not entirely clear, it appears that plaintiff wants the court to send him copies of documents that have been filed in this case. However, he may also be requesting that the court order the Milwaukee County Sheriff's Department to send him documents. Because plaintiff's motion is not clear, it will be denied.

Plaintiff is advised that he may request copies of documents that have been filed in this case from the Clerk's Office. The current cost of photocopies is \$0.50 per page and plaintiff should reference the docket number of the document(s) he wants. The Clerk's Office will be directed to send plaintiff a copy of the docket.

ORDER

IT IS THEREFORE ORDERED that plaintiff's motion to designate entries (Docket #83) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk's Office send plaintiff a copy of the docket.

IT IS FURTHER ORDERED that plaintiff's request to proceed in forma pauperis on appeal is **GRANTED**.

Dated at Milwaukee, Wisconsin, this 18 day of May, 2008.

/s _____
LYNN ADELMAN
District Judge